1-25-05
12.3.8 v.8

DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3755
SEATTLE, WASHINGTON 98124-3755

REPLY TO
ATTENTION OF

JAN 25 2005

Regulatory Branch

Ash Grove Cement Company
3801 East Marginal Way South
Seattle, Washington 98134

Reference: 200100155
Ash Grove Cement
Company

Ladies and Gentlemen:

On January 15, 2003, we issued the above-referenced Department of the Army (DA) permit for dredging in the Duwamish River at Seattle, Washington. The permit authorizes multiple dredging actions over a ten-year period. The permit expires on January 15, 2013.

After issuance of your DA permit, critical habitat for coastal-Puget Sound bull trout and Puget Sound chinook was proposed for designation under the Endangered Species Act (ESA). Your project's action area occurs within the proposed critical habitat. If you plan to conduct future dredging actions under your DA permit, we must reinitiate consultation with the U.S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS).

To determine whether ESA conference or consultation will be required for your project, please inform us within 30 days from the date of this letter whether you will conduct any future dredging activities. Also include in your response the estimated dates of future dredging actions. If no future dredging actions will occur, no further action will be required on your part.

If future dredging actions are planned, you must submit an analysis of potential dredging effects on the proposed critical habitat listed above. Please refer to the enclosure which describes the information requirements of the analysis. Your analysis will be due in our office no later than 45 days from the date of this letter.

Once we receive your analysis, we will review it, and if it is complete, we will forward it to the FWS and NMFS with a request for conference or consultation. Please be advised that you may be required to discontinue dredging activities pending completion of consultation. For this reason, we advise you to be prompt with submittal of your analysis to us.

Please submit your response to this letter to Ms. Maryann Baird. If you have any questions regarding this letter or its enclosure, you should contact Ms. Baird at (206) 764-5531 or via email at maryann.baird@usace.army.mil.

Sincerely,

for Thomas F. Mueller
Chief Regulatory Branch

Enclosure

Information Required for Analysis of Project Impacts on Critical Habitat

I. Project Location.
   A. Project Name (as given on Corps permit).
   B. Corps reference number (as given on Corps permit).
   C. NMFS reference number (the Corps will provide this information).
   D. USWS reference number (the Corps will provide this information).
   E. Waterway.
   F. Street address.
   G. City, County.
   H. Section, Township, Range.

II. Project Description.
   A. Dates when work will occur.
   B. Brief description of work including area and volume that will be dredged, disposal method, dredging method, dates when work will occur.
   C. Indicate whether work will occur with or without deviation from the description given in the project's biological evaluation. Describe any deviations that will occur.

III. In what critical habitat unit and subunit does the project occur?
   A. For coastal-Puget Sound bull trout, please refer to maps beginning on page 35803 of the Federal Register announcing the critical habitat proposal. The Federal Register announcement is available on our website at: http://www.nws.usace.army.mil/reg.html
   B. For Pacific salmon, this information is available an the website of the National Marine Fisheries Service. http://www.nwr.noaa.gov/1salmon/salmesa/crithab/CHsite.htm

IV. What type of habitat (e.g., migration, rearing, spawning, etc.) does the action area provide?
   A. For coastal-Puget Sound bull trout, please refer to the unit descriptions beginning on page 35784 of the Federal Register.
   B. For Pacific salmon, please see the maps provided in the "Biological Teams' Report".

IV. Effects to the critical habitat's primary constituent elements (PCEs).
   A. For coastal-Puget Sound bull trout, the nine PCEs are:
      1. Permanent water of sufficient quantity and quality such that normal reproduction, growth, and survival are not inhibited.
      2. Water temperatures ranging from 2 to 15°C (36 to 59°F), with adequate thermal refugia available for temperatures at the upper end of this range. Specific temperatures within this range will vary depending on bull tout life history stage and form, geography, elevation, diurnal and seasonal variation, shade, such as that provided by riparian habitat, and local groundwater influence.
      3. Complex stream channels with features such as woody debris, side channels, pools, and undercut banks to provide a variety of depths, velocities, and instream structures.
      4. Substrates of sufficient amount, size, and composition to ensure success of egg and embryo overwinter survival, fry emergence, and young-of-the year and juvenile survival. A minimal amount of fine substrate less than 0.63 cm (0.25 in) in diameter and minimal substrate embeddedness are characteristic of these conditions.
      5. A natural hydrograph, including peak, high, low, and base flows within historic ranges or, if regulated, a hydrograph that demonstrates the ability to support bull trout

populations by minimizing daily and day-to-day fluctuations and minimizing departures from the natural cycle of flow levels corresponding with seasonal variation.

6. Springs, seeps, groundwater sources, and subsurface water connectivity to contribute to water quality and quantity.
7. Migratory corridors with minimal physical, biological, or chemical barriers between spawning, rearing, overwintering, and foraging habitats, including intermittent or seasonal barriers induced by high water temperatures or low flows.
8. An abundant food base including terrestrial organisms of riparian origin, aquatic macroinvertebrates, and forage fish.
9. Few or no predatory, interbreeding, or competitive nonnative species present.

B. For Pacific salmon, the six PCEs are:

1. Freshwater spawning sites with water quantity and quality conditions and substrate supporting spawning, incubation, and larval development.
2. Freshwater rearing sites with water quantity and floodplain connectivity to form and maintain physical habitat conditions and support juvenile growth and mobility; water quality and forage supporting juvenile development; and natural cover such as shade, submerged and overhanging large wood, log jams and beaver dams, aquatic vegetation, large rocks and boulders, side channels, and undercut banks.
3. Freshwater migration corridors free of obstruction with water quantity and quality conditions and natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, side channels, and undercut banks supporting juvenile and adult mobility and survival.
4. Estuarine areas free of obstruction with water quality, water quantity and salinity conditions supporting juvenile and adult physiological transitions between fresh-and saltwater; natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, and side channels, and juvenile and adult forage, including aquatic invertebrates and fishes, supporting growth and maturation.
5. Nearshore marine areas free of obstruction with water quality and quantity conditions and forage, including aquatic invertebrates and fishes, supporting growth and maturation; and natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulder and side channels.
6. Offshore marine areas with water quality conditions and forage, including aquatic invertebrates and fishes, supporting growth and maturation.

C. For each PCE, provide brief summary of current environmental conditions within the project's action area.

D. Describe potential direct, indirect, interrelated and interdependent effects of the dredging action to each of the PCEs.

E. Determine the project's effect on proposed critical habitat: no effect, no destruction or adverse modification, destruction or adverse modification.